

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

AT CHRISTCHURCH

IN THE MATTER

of the Resource Management Act 1991

AND

of appeals under clause 14 of the First Schedule of
the Act

BETWEEN

**FONTERRA CO-OPERATIVE LTD
(ENV-2018-CHC-27)**

Appellant

[Continued on last page]

AND

SOUTHLAND REGIONAL COUNCIL

Respondent

Notice of Director-General of Conservation/Te Tumuaki Ahurei's

Wish to be heard on Notice of Motion

Dated 2 June 2020

Department of Conservation
Planning, Permissions and Land
RMA Shared Services
Private Bag 4715
Christchurch 8140
Phone: 03 371 3700
Solicitor: Pene Williams

To

The Registrar
Environment Court
Christchurch

1. The Director-General of Conservation/ Te Tumuaki Ahurei (the Director-General) wishes to be heard on a Notice of Motion Seeking a Ruling on Scope by Ballance Agri-Nutrients Limited, Federated Farmers of New Zealand (Southland), Horticulture New Zealand, and Ravensdown Limited under s 291 of the Resource Management Act 1991 (RMA) for a ruling “... *that evidence relating to Objectives 1 and 3 (and consequential amendments to other Objectives) of the proposed Southland Land and Water Plan (sic) are beyond the scope of the Ngā Rūnanga appeal, and are therefore to be excluded from the Court’s consideration.*” (the Scope Motion).
2. The Scope Motion was served on the Director-General on Friday 22 May 2020.
3. The Director-General opposes the ruling sought and wishes to advance the following matters (which will be expanded on and addressed in legal submissions).
4. In summary, the Director-General’s position on the Scope Motion is;
 - a) the Director-General supports the desire of Ngā Rūnanga to ensure that the Topic A plan provisions better implement the National Policy Statement for Freshwater Management 2014 (as amended 2017) (NPS-FM), and appropriately reflect and implement Te Mana o te Wai,¹
 - b) the appeal of Ngā Rūnanga is relatively broad, and its general reasons include seeking to “ensure that Te Mana o te Wai is at the forefront of the proposed plan from the objectives through to the rules”²,
 - c) the appeal of Ngā Rūnanga appears to provide scope for the amendments to wording relating to korowai objectives 1 and 3 discussed in Ms Davidson’s evidence filed by Ngā Rūnanga,

¹ Paragraph 11, Memorandum of Counsel for Nga Runanga confirming the purpose of Treena Davidson’s statement of evidence dated 17 April 2020.

² Paragraph 8, Ngā Rūnanga Notice of Appeal.

- d) under s 290 of the RMA, the Court has the same power, duty and discretion to amend the Plan, if it considers amendment appropriate, as the Council at first instance hearing,
- e) in accordance with s 67(3) of the RMA, the Plan is required to give effect to the Southland Regional Policy Statement, and any national policy statement, including the NPS-FM, and
- f) in the event that the Court concludes that amendments to Objectives 1 and 3, or their description, or consequential changes, as discussed by Ms Davidson, are not within scope of the Ngā Rūnanga appeal, then the potential exercise of the Court's discretion under s 293 could nevertheless be considered.



D van Mierlo/ P Williams

Counsel for Director-General of Conservation/ Te Tumuaki Ahurei

2 June 2020

Address for service of interested party:

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Contact persons

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Note to person wishing to be heard

You must lodge the original and 1 copy of this notice with the Environment Court and, for notice of motion, with the applicant, within 15 working days after the date on which you were served with the notice of motion. The notice must be signed by you or on your behalf.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

BETWEEN

HORTICULTURE NEW ZEALAND

(ENV-2018-CHC-28)

ARATIATIA LIVESTOCK LTD

(ENV-2018-CHC-29)

WILKINS FARMING CO

(ENV-2018-CHC-30)

GORE AND SOUTHLAND DISTRICT COUNCILS,

INVERCARGILL CITY COUNCIL

(ENV-2018-CHC-31)

DAIRYNZ LTD

(ENV-2018-CHC-32)

H W RICHARDSON GROUP LTD

(ENV-2018-CHC-33)

BEEF + LAMB NEW ZEALAND

(ENV-2018-CHC-34 AND 35)

DIRECTOR-GENERAL OF CONSERVATION

(ENV-2018-CHC-36)

SOUTHLAND FISH & GAME COUNCIL

(ENV-2018-CHC-37)

MERIDIAN ENERGY LTD

(ENV-2018-CHC-38)

ALLIANCE GROUP LTD

(ENV-2018-CHC-39)

FEDERATED FARMERS OF NEW ZEALAND

(ENV-2018-CHC-40)

HERITAGE NEW ZEALAND POHERE TAONGA

(ENV-2018-CHC-41)

STONEY CREEK STATION LTD

(ENV-2018-CHC-42)

THE TERRACES LTD

(ENV-2018-CHC-43)

CAMPBELL'S BLOCK LTD

(ENV-2018-CHC-44)

ROBERT GRANT

(ENV-2018-CHC-45)

SOUTHWOOD EXPORT LTD, SOUTHLAND PLANTATION

FOREST COMPANY OF NZ

(ENV-2018-CHC-46)

**TE RUNANGA O NGAI TAHU, HOKONUI RUNAKA,
WAIHOPAI RUNAKA, TE RUNANGA O AWARUA AND TE
RUNANGA O ORAKA APARIMA**

(ENV-2018-CHC-47)

PETER CHARTRES

(ENV-2018-CHC-48)

RAYONIER NEW ZEALAND LTD

(ENV-2018-CHC-49)

**ROYAL FOREST AND BIRD PROTECTION SOCIETY OF NZ
INC**

(ENV-2018-CHC-50)

Appellants

AND

SOUTHLAND REGIONAL COUNCIL

Respondent